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PATENT  
Attorney Docket No.: 02307U-132310US  
Client Ref. No.: NEOME-015A  
UC1002.001A

TOWNSEND and TOWNSEND and CREW LLP

By:

JoAnn Evangelista

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

GEORGE BAERVELDT et al.

Application No.: 10/052,473

Filed: January 18, 2002

For: MINIMALLY INVASIVE  
GLAUCOMA SURGICAL  
TREATMENT AND METHOD

Customer No.: 20350

Confirmation No. 7905

Examiner: FARAH, AHMED M

Technology Center/Art Unit: 3739

**RESPONSE**

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TECHNOLOGY CENTER R3700

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of October 3, 2003, Applicant hereby elects without traverse to prosecute Group 1 (Claims 1-48, 56-83, 88-103 and 117).

Additionally, applicant provisionally elects, with traverse, Species A (Claims 1-18 and 88-103) to which the claims will be restricted if no generic claim is deemed allowable.

Applicant respectfully traverses the election of species requirement on grounds that the grouping of claims is apparently incorrect. The office action indicates that Species A includes Claims 1-18 and 88-103 relating to the species of Figure 24a. However, the specification describes Figure 24a as a laser embodiment of the device but, within claim series 88-103, only dependent Claim 89 recites any laser apparatus. Independent Claim 88 as well as dependent Claims 90-103 are not directed to any laser embodiment. Thus, Applicant is unable to